

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re:

Chapter 7

Case No. 22-08206

Andromeda T. Pearson

Debtor

NOTICE OF MOTION

PLEASE TAKE NOTICE that on October 11, 2022 at 1:00 p.m, I will appear before the Honorable Jacqueline P. Cox or any judge sitting in that judge's place and present the motion of U.S. Bank Trust National Association, not in its individual capacity but solely as trustee for Tiki Series III Trust for Relief from the Automatic stay, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 273 2896 and the password is 778135. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Date: September 28, 2022

/s/ Michael Dimand
Michael Dimand, Esq.

Marinosci Law Group
134 N LaSalle, Suite 1440
Chicago, IL 60602
312-940-8580; Fax: 401-234-5130
bkinquries@mlg-defaultlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2022 a copy of the foregoing Notice of Motion and Motion for Relief from Stay was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

Ben L Schneider
o/b/o Debtor
ben@windycitylawgroup.com

Miriam R. Stein
Trustee
mstein@gutnicki.com

Patrick S. Layng
USTPRegion11.ES.ECF@usdoj.gov

I further certify that on September 28, 2022, a copy of the foregoing Notice of Motion and Motion for Relief from Stay was mailed by first-class U.S. Mail, postage prepaid and properly addressed to the following:

Andromeda T. Pearson
1569 Harding Rd.
Northfield, IL 60093

/s/ Michael Dimand
Michael Dimand, Esq.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:

Chapter 7

Case No. 22-08206

Andromeda T. Pearson

Debtor

MOTION FOR RELIEF FROM THE AUTOMATIC STAY (REAL PROPERTY)

U.S. Bank Trust National Association, not in its individual capacity but solely as trustee for Tiki Series III Trust (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. §362, for relief from the automatic stay with respect to certain real property of the Debtor having an address of 12674 Preacher Powell Road, Carriere, MS 39426 (the “Property”). The Required Statement is attached hereto as Exhibit 1, in accordance with Local Rule 4001-1. In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtor on July 22, 2022, and was converted to a Chapter 7 on September 1, 2022.
2. The non-filing borrower Keith Pearson¹ executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$85,000.00 (the “Note”). A copy of the Note is attached hereto as Exhibit 2. Movant is an entity entitled to enforce the Note.
3. Pursuant to that certain Mortgage (the “Mortgage”), all obligations (collectively, the “Obligations”) of the Debtor under and with respect to the Note and the Mortgage are secured by the Property. A copy of the Mortgage is attached hereto as Exhibit 3.

¹ Keith Pearson is deceased, transferring the interest of the property to Andromeda Pearson.

4. As of September 15, 2022 the outstanding amount of the Obligations is: \$221,542.96.

5. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested herein, Movant has incurred \$1,000.00 in legal fees and \$188.00 in costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

6. The following chart sets forth the number and amount of contractual payments due pursuant to the terms of the Note that have been missed by the Debtor:

16 Payments 4/1/2021-7/1/2022 @ \$1,064.01 =	\$17,024.16
2 Payments 8/1/2022-9/1/2022 @ \$880.13 =	\$1,760.26
Less Suspense	\$953.40
Total Due	\$17,831.02

7. Cause exists for relief from the automatic stay for the following reasons:

- (a) Movant's interest in the Property is not adequately protected.
- (b) Movant's interest in the collateral is not protected by an adequate equity cushion.
- (c) Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor has no equity in the Property; and pursuant to § 362(d)(2)(B) the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

- 1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
- 2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- 3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

4. For such other relief as the Court deems proper.

Respectfully submitted,

/s/ Michael Dimand
Attorney for Movant

Marinosci Law Group, P.C.
134 N. LaSalle St., Suite 1900
Chicago, IL 60602
312-940-8580; Fax: 401-234-5130
bkinquiries@mlg-defaultlaw.com